Library

BORA LASKIN LAW LIBRARY
3 1761 03323 2943

PERSPECTIVES ON LAW

Bridge Period No. 3: Legal Philosophy

Ernest J. Weinrib
Denise Reaume
Patrick Macklem
Brian Langille

January, 1990

Storage
KF
385
A4
R57
1990
pt.3

KF
385
A4
R57
1990
pt 3

LAW LIBRARY
JAN 23 1990

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

PERSPECTIVES ON LAW

Bridge Period No. 3: Legal Philosophy

Ernest J. Weinrib
Denise Reaume
Patrick Macklem
Brian Langille

January, 1990

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/legalphilosophy03wein

TABLE OF CONTENTS

I. Theories of Justice

(a) Instrumentalist Approaches

(i) Utilitarianism

Bentham, Principles of Morals and Legislation 1
Sidgwick, The Methods of Ethics 7

(ii) Economic Analysis of Law

Posner, Utilitarianism, Economics, and Legal Theory ... 18

(b) Non-Instrumentalist Approaches

Aristotle, Nicomachean Ethics 33
Pashukanis, The General Theory of Law and Marxism 38
Kant, The Metaphysical Elements of Justice 58
Rawls, A Theory of Justice 63
Nozick, Anarchy, State, and Utopia 71

II. Theories of Adjudication

Hart, The Concept of Law 75
Dworkin, Taking Rights Seriously 87
Raz, The Authority of Law 115
Raz, The Inner Logic of Law 119

III. Critical Legal Theory

Gordon, Critical Legal Histories 131
Kennedy, Form and Substance in Private Law Adjudication 141
Chaffee, The Disorderly Conduct of Words 150
Wittgenstein, Philosophical Investigations 150
Hart, Positivism and the Separation of Law and Morals 151
Fuller, Positivism and Fidelity to Law: A Reply to Professor Hart 153
Tushnet, Following the Rules Laid Down: A Critique of Interpretivism and Neutral Principles 154
Fish, Is There a Text in this Class? 155
Twain, Life on the Mississippi 159

IV. Discussion Group Materials

(i) Miller v. Jackson 161
(ii) Fuller, The Case of the Speluncean Explorers 168